

1-1 By: Farney (Senate Sponsor - West) H.B. No. 3748  
 1-2 (In the Senate - Received from the House May 11, 2015;  
 1-3 May 11, 2015, read first time and referred to Committee on Higher  
 1-4 Education; May 21, 2015, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the coordination of educational support services for  
 1-18 and information regarding students who are currently or were  
 1-19 formerly placed in foster care.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 25.007(b), Education Code, as amended by  
 1-22 Chapters 688 (H.B. 2619) and 1354 (S.B. 1404), Acts of the 83rd  
 1-23 Legislature, Regular Session, 2013, is reenacted and amended to  
 1-24 read as follows:

1-25 (b) In recognition of the challenges faced by students in  
 1-26 substitute care, the agency shall assist the transition of  
 1-27 substitute care students from one school to another by:

1-28 (1) ensuring that school records for a student in  
 1-29 substitute care are transferred to the student's new school not  
 1-30 later than the 10th working day after the date the student begins  
 1-31 enrollment at the school;

1-32 (2) developing systems to ease transition of a student  
 1-33 in substitute care during the first two weeks of enrollment at a new  
 1-34 school;

1-35 (3) developing procedures for awarding credit,  
 1-36 including partial credit if appropriate, for course work, including  
 1-37 electives, completed by a student in substitute care while enrolled  
 1-38 at another school;

1-39 (4) promoting practices that facilitate access by a  
 1-40 student in substitute care to extracurricular programs, summer  
 1-41 programs, credit transfer services, electronic courses provided  
 1-42 under Chapter 30A, and after-school tutoring programs at nominal or  
 1-43 no cost;

1-44 (5) establishing procedures to lessen the adverse  
 1-45 impact of the movement of a student in substitute care to a new  
 1-46 school;

1-47 (6) entering into a memorandum of understanding with  
 1-48 the Department of Family and Protective Services regarding the  
 1-49 exchange of information as appropriate to facilitate the transition  
 1-50 of students in substitute care from one school to another;

1-51 (7) encouraging school districts and open-enrollment  
 1-52 charter schools to provide services for a student in substitute  
 1-53 care in transition when applying for admission to postsecondary  
 1-54 study and when seeking sources of funding for postsecondary study;

1-55 (8) requiring school districts, campuses, and  
 1-56 open-enrollment charter schools to accept a referral for special  
 1-57 education services made for a student in substitute care by a school  
 1-58 previously attended by the student;

1-59 (9) requiring school districts to provide notice to  
 1-60 the child's educational decision-maker and caseworker regarding  
 1-61 events that may significantly impact the education of a child,

2-1 including:

2-2 (A) requests or referrals for an evaluation under

2-3 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or

2-4 special education under Section 29.003;

2-5 (B) admission, review, and dismissal committee

2-6 meetings;

2-7 (C) manifestation determination reviews required

2-8 by Section 37.004(b);

2-9 (D) any disciplinary actions under Chapter 37 for

2-10 which parental notice is required;

2-11 (E) citations issued for Class C misdemeanor

2-12 offenses on school property or at school-sponsored activities;

2-13 (F) reports of restraint and seclusion required

2-14 by Section 37.0021; and

2-15 (G) use of corporal punishment as provided by

2-16 Section 37.0011; ~~and~~

2-17 (10) developing procedures for allowing a student in

2-18 substitute care who was previously enrolled in a course required

2-19 for graduation the opportunity, to the extent practicable, to

2-20 complete the course, at no cost to the student, before the beginning

2-21 of the next school year;

2-22 (11) ensuring that a student in substitute care who is

2-23 not likely to receive a high school diploma before the fifth school

2-24 year following the student's enrollment in grade nine, as

2-25 determined by the district, has the student's course credit accrual

2-26 and personal graduation plan reviewed; ~~and~~

2-27 (12) ensuring that a student in substitute care who is

2-28 in grade 11 or 12 be provided information regarding tuition and fee

2-29 exemptions under Section 54.366 for dual-credit or other courses

2-30 provided by a public institution of higher education for which a

2-31 high school student may earn joint high school and college credit;

2-32 (13) designating at least one agency employee to act

2-33 as a liaison officer regarding educational issues related to

2-34 students in the conservatorship of the Department of Family and

2-35 Protective Services; and

2-36 (14) ~~(10)~~ providing other assistance as identified

2-37 by the agency.

2-38 SECTION 2. Subchapter Z, Chapter 51, Education Code, is

2-39 amended by adding Section 51.9356 to read as follows:

2-40 Sec. 51.9356. DESIGNATION OF LIAISON OFFICER TO ASSIST

2-41 STUDENTS FORMERLY IN FOSTER CARE. (a) In this section,

2-42 "institution of higher education" has the meaning assigned by

2-43 Section 61.003.

2-44 (b) Each institution of higher education shall designate at

2-45 least one employee of the institution to act as a liaison officer

2-46 for current and incoming students at the institution who were

2-47 formerly in the conservatorship of the Department of Family and

2-48 Protective Services. The liaison officer shall provide to those

2-49 students information regarding support services and other

2-50 resources available to the students at the institution and any

2-51 other relevant information to assist the students.

2-52 SECTION 3. Subchapter C, Chapter 61, Education Code, is

2-53 amended by adding Sections 61.0908 and 61.0909 to read as follows:

2-54 Sec. 61.0908. DESIGNATION OF LIAISON OFFICER TO ASSIST

2-55 STUDENTS FORMERLY IN FOSTER CARE. The board shall designate at

2-56 least one employee of the board to act as a liaison officer for

2-57 current and incoming students at institutions of higher education

2-58 who were formerly in the conservatorship of the Department of

2-59 Family and Protective Services. The liaison officer shall assist

2-60 in coordinating college readiness and student success efforts

2-61 relating to those students.

2-62 Sec. 61.0909. MEMORANDUM OF UNDERSTANDING REGARDING

2-63 EXCHANGE OF INFORMATION FOR STUDENTS FORMERLY IN FOSTER CARE. (a)

2-64 In this section, "department" means the Department of Family and

2-65 Protective Services.

2-66 (b) The board and the department shall enter into a

2-67 memorandum of understanding regarding the exchange of information

2-68 as appropriate to facilitate the department's evaluation of

2-69 educational outcomes of students at institutions of higher

3-1 education who were formerly in the conservatorship of the  
3-2 department. The memorandum of understanding must require:

3-3 (1) the department to provide the board each year with  
3-4 demographic information regarding individual students enrolled at  
3-5 institutions of higher education who were formerly in the  
3-6 conservatorship of the department following an adversarial hearing  
3-7 under Section 262.201, Family Code; and

3-8 (2) the board, in a manner consistent with federal  
3-9 law, to provide the department with aggregate information  
3-10 regarding educational outcomes of students for whom the board  
3-11 received demographic information under Subdivision (1).

3-12 (c) For purposes of Subsection (b)(2), information  
3-13 regarding educational outcomes includes information relating to  
3-14 student academic achievement, graduation rates, attendance, and  
3-15 other educational outcomes as determined by the board and the  
3-16 department.

3-17 (d) The department may authorize the board to provide  
3-18 education research centers established under Section 1.005 with  
3-19 demographic information regarding individual students received by  
3-20 the board in accordance with Subsection (b)(1), as appropriate to  
3-21 allow the centers to perform additional analysis regarding  
3-22 educational outcomes of students in foster care. Any use of  
3-23 information regarding individual students provided to a center  
3-24 under this subsection must be approved by the department.

3-25 (e) Nothing in this section may be construed to:

3-26 (1) require the board or the department to collect or  
3-27 maintain additional information regarding students formerly in the  
3-28 conservatorship of the department; or

3-29 (2) allow the release of information regarding an  
3-30 individual student in a manner not permitted under the Family  
3-31 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section  
3-32 1232g) or another state or federal law.

3-33 SECTION 4. The Texas Higher Education Coordinating Board  
3-34 and the Department of Family and Protective Services shall enter  
3-35 into the memorandum of understanding required by Section 61.0909,  
3-36 Education Code, as added by this Act, not later than January 1,  
3-37 2016.

3-38 SECTION 5. To the extent of any conflict, this Act prevails  
3-39 over another Act of the 84th Legislature, Regular Session, 2015,  
3-40 relating to nonsubstantive additions to and corrections in enacted  
3-41 codes.

3-42 SECTION 6. This Act takes effect immediately if it receives  
3-43 a vote of two-thirds of all the members elected to each house, as  
3-44 provided by Section 39, Article III, Texas Constitution. If this  
3-45 Act does not receive the vote necessary for immediate effect, this  
3-46 Act takes effect September 1, 2015.

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